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Attorneys for Petitioner RUBEN JESSE MARTINEZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RUBEN JESSE MARTINEZ,

Case No. 3:11-CV-01011 SI (HC)

Petitioner,

**STIPULATED REQUEST FOR
EXTENSION OF TIME TO FILE
OPPOSITION TO RESPONDENT'S
MOTION TO DISMISS; ATTORNEY
DECLARATION; ~~PROPOSED~~ ORDER**

vs.

JAMES A. YATES, Warden,

Respondent.

Current hearing date: 09-30-2011
Time: 9:00 a.m.

Before the Honorable Susan Illston
United States District Court Judge

STIPULATED REQUEST

Pursuant to Local Rule 6-2, Petitioner RUBEN JESSE MARTINEZ, by and through his attorney Johnny L. Griffin, III, and Respondent JAMES A. YATES, by and through his attorney Deputy Attorney General Bruce Ortega, hereby submit this stipulated request for an extension of time of 60 days for Petitioner to file and serve his opposition to Respondent's motion to dismiss petition for writ of habeas corpus. Petitioner's opposition is due June 21, 2011. The parties request an extension of time for Petitioner to file his opposition to August 20, 2011. The parties stipulate

1 and agree that good cause exists to extend the time for filing an opposition based upon Petitioner's
2 counsel's trial calendar conflicts enumerated below in the attorney declaration. The parties indicate
3 their agreement and their stipulation by their signatures below.
4

5 Dated: June 16, 2011

Respectfully submitted,

6 /s/ Johnny L. Griffin, III

7 Johnny L. Griffin, III

Law Offices of Johnny L. Griffin, III

Attorney for Petitioner RUBEN JESSE MARTINEZ
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9
10 Dated: June 16, 2011

Kamala D. Harris

Attorney General of California

Peggy S. Ruffra

Supervising Deputy Attorney General
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12 /s/ Bruce Ortega

13 (e-signature expressly authorized on June 16, 2011)

Bruce Ortega

Deputy Attorney General

Attorney for Respondent
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16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17
18 Dated: June 20, 2011



19 The Honorable Susan Illston

United States District Court Judge
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Law Offices of Johnny L. Griffin III
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DECLARATION IN SUPPORT OF REQUEST FOR EXTENSION OF TIME

I, Johnny L. Griffin, III, do hereby declare:

1. I am an attorney at law, licensed to practice law in the State of California, and admitted to practice in the Northern District of California.
2. I represent Petitioner in his petition for writ of habeas corpus which is before this Court.
3. I am also the trial attorney in the following felony criminal cases: People v. Molden (Sacramento County; trial date: June 15, 2011); People v. Davidson (San Benito County; trial date: June 27, 2011), People v. Donais (Sacramento County; trial date: July 7, 2011). My preparation for trial and expected trial participation poses an actual or potential calendar conflict with the filing due date (June 21, 2011) in Petitioner's matter. Simply put, my trial schedule renders me unable to file an opposition to Respondent's motion on a timely basis unless an extension of time is granted.
4. There have been no previous requests for an extension of time.
5. The hearing on Respondent's motion is set for September 30, 2011. If Petitioner files his opposition on August 20, 2011, Respondent will have until August 27, 2011 to file a reply, unless the parties submit another stipulated request for an extension of time.
6. For the foregoing reasons, Petitioner respectfully requests that the court grant an extension of time for Petitioner to file his opposition so that Petitioner's counsel has adequate opportunity to research and brief the matter thoroughly and meaningfully.
7. Deputy Attorney General Bruce Ortega has advised me that he does not object to a 60-day extension of time.
8. This request for continuance is made in good faith based on the foregoing, and is not made for purposes of delay.

1 WHEREFORE, I respectfully request a 60-day extension of time to file Petitioner's
2 opposition on or before August 20, 2011.

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4 Date: June 16, 2011

Respectfully submitted,

5 /s/ Johnny L. Griffin, III

6 Johnny L. Griffin, III

7 Attorney for Petitioner RUBEN JESSE MARTINEZ
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